

REMARKS

Claims 1, 4-36, 39-50, and 52-66 stand rejected. Claims 1, 27, 36, 45, and 48 are amended herein. Claims 2, 3, 37, 38, 51, and 67-69 were previously canceled. No new matter has been added. The Applicant respectfully requests consideration of the following remarks and allowance of the claims.

Rejections Based Upon 35 U.S.C. § 103(a)

Claims 7-12, 22, 25, 36, 40, 52-55, 62, and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable of U.S. Patent No. 6,944,150 to McConnell in view of US. Patent Pub. No. 2005/0013292 to Johnson. The Applicant respectfully disagrees for at least the following reasons.

The Examiner acknowledged in the July 11, 2007 advisory action that McConnell should be used as a 35 U.S.C. § 102(e) reference. 35 U.S.C. § 103(c)(1) states that “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) and section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Since Sprint Communications Company is the assignee of both McConnell and the claimed invention, the 35 U.S.C. § 103(a) rejection is improper and should be withdrawn. Thus, the Applicant contends that claims 7-12, 22, 25, 36, 40, 52-55, 62, and 65 are allowable for at least this reason, and such indication is respectfully requested.

Rejections Based Upon 35 U.S.C. § 102(e)

Claims 1, 4, 5-6, 13-21, 23-24, 26-35, 39, 41-50, 56-61, 63-64, and 66 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,944,150 to McConnell. The Applicant respectfully disagrees with the rejection for at least the following reasons.

Claim 1 now recites, in part, an access device comprising an antenna and a wireline communication port wherein the access device is configured to transmit and receive wireline communications via the wireline communication port and transmit and

receive wireless communications via the antenna. McConnell does not disclose an access device comprising a wireline communication port, wherein the access device transmits and receives wireline communications via the wireline communication port. The mobile station in McConnell communicates wirelessly with a base station (see col. 6, lines 31-33, fig. 1). The mobile station does not include a wireline communication port. Consequently, the mobile station cannot transmit and receive wireline communications via wireline communication port. Therefore, McConnell does not disclose an access device comprising a wireline communication port, wherein the access device transmits and receives wireline communications via the wireline communication port, as recited by claim 1.

For at least the above reasons, the Applicant respectfully submits that the Examiner's characterization of McConnell does not set forth each and every element of claim 1 as arranged by claim 1. Therefore, claim 1 should be allowed accordingly.

Independent claims 27, 36, and 48 contain similar limitations as claim 1 and should be allowed accordingly.

While separately allowable, the Applicant refrains from a discussion of dependent claims 4, 5-6, 13-21, 23-24, 26-35, 39, 41-47, 49-50, 56-61, 63-64, and 66 in view of their dependence from otherwise allowable independent claims.

CONCLUSION

Based on the above remarks, the Applicant submits that the claims are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant thus respectfully requests allowance of the claims.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

/Stephen S. Roche/

SIGNATURE OF PRACTITIONER

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